

**SAMPLE FORM W**

**RESPONDENT'S NOTICE DESIGNATING RECORD ON  
APPEAL (APP-010)**

**RESPONDENT'S NOTICE ELECTING TO USE  
APPENDIX (APP-011)**

## **RESPONDENT'S NOTICE DESIGNATING RECORD ON APPEAL (APP-010)**

After the appellant serves its notice designating the record, you have 10 days to tell the Superior Court what additional documents or exhibits you want in the record that will be sent to the Court of Appeal. (CRC rules 8.122(a), 8.130(a).) This is called the Respondent's Notice Designating Record on Appeal. This notice is filed in the Superior Court.

The Respondent's Notice Designating Record on Appeal is available online in Adobe Acrobat PDF format and may be filled out electronically at <http://www.courtinfo.ca.gov/cgi-bin/forms.cgi>. Select "Appellate" forms, then click on Form APP-010.

Have someone over the age of 18 who is not a party to the action serve the Respondent's Notice Designating Record on Appeal with a Proof of Service. See instructions accompanying [Sample Form C](#).

## **RESPONDENT'S NOTICE ELECTING TO USE AN APPENDIX (APP-011)**

If the appellant has not received a waiver of the fee for a clerk's transcript and there is no court order otherwise, the respondent may elect to use an appendix on appeal. The Respondent's Notice Electing to Use an Appendix must be served and filed within 10 days after the notice of appeal is filed. (CRC rule 8.124(a).)

The Respondent's Notice Electing to Use an Appendix is available online in Adobe Acrobat PDF format and may be filled out electronically at <http://www.courtinfo.ca.gov/cgi-bin/forms.cgi>. Select "Appellate" forms, then click on Form APP-011.

Have someone over the age of 18 who is not a party to the action serve the Respondent's Notice Electing to Use an Appendix with a Proof of Service. See instructions accompanying [Sample Form C](#).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  _____  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<b>RESPONDENT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)</b>	
RE: Appeal filed on (date):	Superior Court Case Number:  Court of Appeal Case Number (if known):
<b>Notice: Please read Judicial Council form APP-001 before completing this form. This form must be filed in the superior court, not in the Court of Appeal.</b>	

# 1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

The appellant has elected to use a clerk's transcript under rule 8.122.

- a. ☐ **Additional documents.** (If you want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents here.)

In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents from the superior court proceedings. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)

Document Title and Description	Date of Filing
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(1)

(2)

(3)

☐ See additional pages.

- b. ☐ **Additional exhibits.** (If you want any exhibits from the superior court proceedings in addition to those designated by the appellant to be included in the clerk's transcript, you must identify these exhibits here.)

In addition to the exhibits designated by the appellant, I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. (For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence.)

Exhibit Number	Description	Admitted (Yes/No)
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(1)

(2)

(3)

☐ See additional pages.

CASE NAME:	CASE NUMBER:
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1. c. ☐ **Copy of clerk's transcript.** I request a copy of the clerk's transcript. (check (1) or (2).)

- (1) ☐ I will pay the superior court clerk for this transcript when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, I will not receive a copy.
- (2) ☐ I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have attached the following document (check (a) or (b)):
- (a) ☐ An order granting a waiver of court fees and costs under rule 3.50 et seq.; or
- (b) ☐ An application for a waiver of court fees and costs under rule 3.50 et seq. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)

## 2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

The appellant has elected to use a reporter's transcript under rule 8.130.

- a. ☐ **Additional proceedings.** (If you want any oral proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.)

In addition to the proceedings designated by the appellant, I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—and, if you know it, the name of the court reporter who recorded the proceedings.)

	Date	Department	Full/Partial Day	Description of Proceedings	Reporter's Name
(1)					
(2)					
(3)					
(4)					
(5)					
(6)					
(7)					

☐ See additional pages.

CASE NAME:

CASE NUMBER:

**2.b. Copy of Reporter's Transcript.**

- (1) ☐ I request a copy of the reporter's transcript.
- (2) ☐ I request that the reporters provide (*check (a), (b), or (c)*):
- (a) ☐ My copy of the reporter's transcript in paper format.
- (b) ☐ My copy of the reporter's transcript in computer-readable format.
- (c) ☐ My copy of the reporter's transcript in paper format and a second copy of the reporter's transcript in computer-readable format.

(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

- (3) I have (*check all that apply*):
- (a) ☐ Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).
- (b) ☐ Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(b)(3).
- (c) ☐ Attached the reporter's written waiver of a deposit for (*check either (i) or (ii)*):
- (i) ☐ All of the designated proceedings.
- (ii) ☐ Part of the designated proceedings.
- (d) ☐ Attached a certified transcript under rule 8.130(b)(3).

Date:

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 (TYPE OR PRINT NAME)

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 (SIGNATURE OF RESPONDENT OR ATTORNEY)

The appellant in this case has not been granted a waiver of the fees for preparing a clerk's transcript. I elect under rule 8.124(a) to use an appendix in lieu of a clerk's transcript.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF RESPONDENT OR ATTORNEY)